



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/629,038

07/28/2003

Mallik Bulusu

42P16118

7385

8791

7590

07/25/2007

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

LEMMA, SAMSON B

ART UNIT

PAPER NUMBER

2132

MAIL DATE

DELIVERY MODE

07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/629,038	Applicant(s) BULUSU ET AL.	
	Examiner Samson B. Lemma	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 33-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2132

DETAILED ACTION

1. In response to the restriction Requirement mailed on April 4, 2007, Applicant has elected Group I, comprising claims 1-22 with traverse. New claims 33 and 34 are also added on this group.
2. New Claims 33-34 link(s) inventions and the elected claims 1-22 (Group I). The restriction requirement of the linked inventions is **subject to** the nonallowance of the linking claim(s), claims 33-34. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312. Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Response to Arguments

3. Applicant's election with traverse of the Group I (claims **1-22**) in the reply filed on May 04, 2007 is acknowledged. The traversal is on the ground(s) that the restriction is improper. This is not found persuasive because the inventions in Group I and II are

Art Unit: 2132

related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other and are shown to be separately usable in the previous office action.

The requirement is still deemed proper and is therefore made FINAL.

Priority

4. This application does not claim priority of an application. Therefore, the effective filing data for the subject matter defined in the pending claims of this application is **07/28/2003**.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Independent **claims 1, 11 and 17** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 1, 11 and 17 recites the limitation "capabilities" and/or "capability policy". Such limitation/terms do not have a well-defined meaning. Applicant is required to define such terms in the claim itself so that the scope of the claim is understood/determined with out ambiguity. For the sake of examination examiner interpreted the term "capability policy" as "automated policy".

Appropriate correction is required.

Art Unit: 2132

7. **Claims 2-10, 33-34, 12-16 and 18-22** depend from the rejected independent claim 1, 11 and 17 respectively, and include all the limitations of the respective claims, thereby rendering those dependent claims indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. **Claims 1-14, 17-20 and 33-34** are rejected under 35 U.S.C. 102(a) as being anticipated by **an article written on Computer Technology Review, by Steve Rokov** (hereinafter referred as **Rokov**)(See reference U) (Published on June 2003)

10. **As per claim 1, 11, 14 and 17, 19-20 Rokov discloses an article comprising:**
a machine-readable storage medium having a plurality of machine accessible instructions, which if executed by a machine, cause the machine to perform operations comprising:

- **Registering one or more capabilities with a central repository;** [figure 1, see "CIM Respository"/or CIMOM Respository indicated on page 4, second column , 1st paragraph]
- **Determining if one or more capabilities associated with a blade device match a capability policy; and if the blade device capabilities do not match the capability policy, isolating the blade device from a computing domain.**

Art Unit: 2132

[See on page 4, first column, last paragraph up to second column 1st paragraph] (ON page 4, first column, last paragraph up to second column 1st paragraph, it has been disclosed that depending on the automated policies that have been configured, the CMM sends an IPMI command to power on the spare blade. It also sends any extra information about a failed blade, re-configures the network switch to put the new blade in the active configuration and using IPMI commands, turns on the visual indicators on the failed blade (to be diagnosed/repared offline). The BMC on the new blade communicates performance and other relevant data back to the CMM. Any updated information is then reflected back in the CIMOM Respository and this meets the recitation of the claim limitation)

11. **As per claim 2 Rokov discloses the method/system/ an article as applied to claims above. Furthermore Rokov discloses the method/system,** further comprising: a data communication pathway coupled to the blade device and to the chassis management logic. [See figure 4]

12. **As per claims 3, 12-13, 18 and 33-34 Rokov discloses the method/system/ an article as applied to claims above. Furthermore Rokov discloses the method/system, wherein: the chassis management logic is further to isolate the blade device from a computing domain responsive to determining that the blade device capabilities do not match the capability policy.** [See on page 4, first column, last paragraph up to second column 1st paragraph] (ON page 4, first column, last paragraph up to second column 1st paragraph, it has been disclosed that depending on the automated policies that have been configured, the CMM sends an IPMI command to power on the spare blade. It also sends any extra information about a failed blade, re-configures the network switch to put the new blade in the active configuration and using IPMI commands, turns on the visual indicators on the failed blade (to be diagnosed/repared offline). The BMC on the new blade communicates performance and

Art Unit: 2132

other relevant data back to the CMM. Any updated information is then reflected back in the CIMOM Respository and this meets the recitation of the claim limitation)

13. **As per claims 4-6, Rokov discloses the method/system/ an article as applied to claims above. Furthermore Rokov discloses the method/system, further comprising: a plurality of blade devices; wherein each of the plurality of blade devices is coupled to the data communication pathway [See figure 4]; and wherein the chassis management logic is further to determine, for at least one of the plurality of blade devices, whether blade capabilities associated with the at least one blade device match the capability policy. [See on page 4, first column, last paragraph up to second column 1st paragraph] (ON page 4, first column, last paragraph up to second column 1st paragraph, it has been disclosed that depending on the automated policies that have been configured, the CMM sends an IPMI command to power on the spare blade. It also sends any extra information about a failed blade, re-configures the network switch to put the new blade in the active configuration and using IPMI commands, turns on the visual indicators on the failed blade (to be dignosed/repared offline). The BMC on the new blade communicates performance and other relevant data back to the CMM. Any updated information is then reflected back in the CIMOM Respository and this meets the recitation of the claim limitation)**

14. **As per claim 7 Rokov discloses the method/system/ an article as applied to claims above. Furthermore Rokov discloses the method/system, further comprising: a baseboard memory controller, wherein the baseboard memory controller is to control communication between the blade device and the chassis management logic. [See figure 1 and 4]**

15. **As per claims 8-9 Rokov discloses the method/system/ an article as applied to claims above. Furthermore Rokov discloses the method/system, wherein: the blade device includes logic to perform boot processing. [See page 2]**

Art Unit: 2132

16. **As per claims 10 Rokov discloses the method/system/ an article as applied to claims above. Furthermore Rokov discloses the method/system**, further comprising: a chassis to receive the blade device. [See figure 4, Blade Chassis and Blades]

Allowable Subject Matter

17. **Claims 15-16 and 21-22** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-873-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

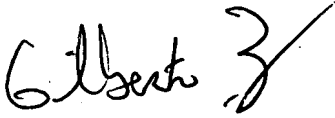
For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2132

SAMSON LEMMA
S.L.

07/10/2007


GILBERTO BARRON *Sr*
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100